

Amendment Dated April 29, 2008  
Serial No. 10/617,192

#### REMARKS

Reconsideration of the rejections set forth in the Office Action dated February 29, 2008, is respectfully requested. By this Amendment, claims 1, 4, and 9 have been amended. Currently, claims 1-11 are pending in this application.

#### Objection to claim 4

The Examiner objected to claim 4 as containing a typographical error. Applicants have amended claim 4 as suggested by the Examiner and request that the objection be withdrawn.

#### Rejections under 35 USC 102 and 103

Claims 1 and 4 were rejected under 35 USC 102 as anticipated by Lemieux (U.S. Patent No. 6,452,942); claims 2-3, 5-6, and 9-10 were rejected under 35 USC 103 as unpatentable over Lemieux; claim 7 was rejected under 35 USC 103 as unpatentable over Lemieux in view of Johnson (U.S. Patent No. 6,845,248); and claim 8 was rejected under 35 USC 103 as unpatentable over Lemieux in view of Voit (U.S. Patent Publication No. 2002/0044567). These rejections are respectfully traversed in view of the amendments to claim 1 and the following arguments.

The elected claims relate to a network device that is able to be remotely interfaced once deployed in the field. As discussed in the background (see Specification at page 2, lines 16-19), when a network device is deployed it may be difficult or uncomfortable to access the device at a later time for maintenance or service. Accordingly, applicants proposed to implement a wireless interface on the network device to allow a maintenance technician to access the network device to perform diagnostic operations on the network device while the network device is deployed in the field and without requiring the operator to come into direct contact with the network device to perform the diagnostic operations on the network device.

Lemieux teaches a wireless DSLAM that is able to be deployed in the field and which communicates with a POP ATM switch over a high speed link such as high speed wireless link 220. The DSLAM provides access to network termination points 226A, 226B, 226C via 2 MBPS access ports. (see e.g. Fig. 3).

The DSLAM in Lemieux also includes a local wireless-DSLAM control module 306 which is connected to a network management system 310. The control module and network

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management system are described in greater detail by Lemieux at Col. 5, lines 4-33. As discussed in this portion, the control module and network management system are used by Lemieux to coordinate resource allocation, by which Lemieux means dividing the amount of available upstream bandwidth between a plurality of subscribers. (See e.g. Lemieux at Col. 5, lines 8-12).

The control module in Lemieux is thus operating differently than control module 58 of this application. Specifically, the control module in Lemieux is used to allocate resources to subscribers. In this application, by contrast, the control module is used to enable a technician to access the device to perform diagnostic measures on the device. Lemieux does not teach or suggest a network device that has a control port that will allow a technician that is in the proximity of the network device to access the network device and perform diagnostic operations on the network device.

To emphasize this difference, applicants have amended the preamble of claim 1 to recite that the network device is able to be remotely interfaced by a technician proximate the network device after the network device has been deployed in the field to enable the technician to perform diagnostic operations on the network device to determine an operational status of the network device. The preamble of claim 1 has further been amended to recite that the network device contains a local interface to enable the technician to use a wireless control unit to directly communicate wirelessly with the network device from a location proximate the network device.

Since a preamble of a claim is sometimes considered to be non-limiting, applicants have also amended the body of claim 1 to recite that the network element contains instructions for controlling at least one processor to implement control logic to interface with the wireless control unit to receive control signals from the wireless control unit and enable the wireless control unit to perform the diagnostic operations on the network device while the network device is deployed in the field and without requiring the operator to come into direct contact with the network device to perform the diagnostic operations on the network device. These limitations refer back to the phrase "the wireless control unit" and "the diagnostic operations" to clarify that the body of the claim depends on the preamble and, hence, that the preamble should be considered to be limiting in this instance.

In view of these claim amendments, applicants respectfully submit that claim 1 is patentable over Lemieux. The dependent claims are likewise patentable for the same reasons.

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Conclusion

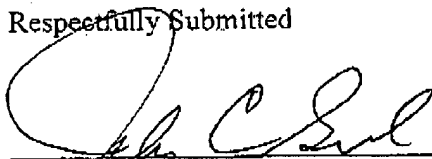
In view of foregoing claim amendments and remarks, it is respectfully submitted that the application is now in condition for allowance and an action to this effect is respectfully requested. If there are any questions or concerns regarding the amendments or these remarks, the Examiner is requested to telephone the undersigned at the telephone number listed below.

If any fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 502246 (Ref: NN-15909).

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Respectfully Submitted



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